United Nations S/2006/253

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President on the Democratic Republic of the Congo, in particular resolutions 1565 of 1 October 2004, 1592 of 30 March 2005, 1621 of 6 September 2005 and 1635 of 28 October 2005, and the statement of its President dated 21 December 2005 (S/PRST/2005/66),

Commending the people of the Democratic Republic of the Congo on the successful holding of a referendum on the draft Constitution that entered into force on 18 February 2006,

Underlining the importance of elections as the foundation for the longer term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Commending the efforts of the Independent Electoral Commission to prepare the holding of the elections and expressing its appreciation for the unprecedented and outstanding logistical support provided to the Commission by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security during the period encompassing the elections,

Commending the donor community, in particular the European Union, for the assistance it is providing to the electoral process and in the interest of a successful outcome to the transition in the Democratic Republic of the Congo, and encouraging it to continue its support,

Welcoming the additional assistance that the European Union is providing in the context of the forthcoming elections by temporarily reinforcing its police mission EUPOL Kinshasa to support the coordination of relevant units of the police forces of the Democratic Republic of the Congo,

Taking note of the request expressed in the letter dated 27 December 2005 from the Under-Secretary-General for Peacekeeping Operations to the Presidency of the European Union (S/2006/219, annex I),

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Taking note of the response to this letter by the Minister of Foreign Affairs of the Republic of Austria dated 28 March 2006, on behalf of the Council of the European Union (S/2006/219, annex II),

Welcoming the intention of the European Union to deploy a force to support MONUC during the electoral period in the Democratic Republic of the Congo as expressed in the above letter of 28 March, which stated inter alia that this force would not substitute for MONUC or the Armed Forces of the Democratic Republic of the Congo in their tasks, and which noted the assessment that the capabilities of MONUC in certain parts of the territory of the Democratic Republic of the Congo should enable it to address possible difficulties without support from the European Union,

Considering that the current mandate of MONUC will be subject to renewal by 30 September 2006 and *expressing its intention* to extend it for a further period beyond this date,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the letter addressed by the Permanent Representative of the Democratic Republic of the Congo to the President of the Security Council dated 30 March 2006 (S/2006/203) and of the support of the Government of the Democratic Republic of the Congo for the temporary deployment of a European Union force ("Eufor R.D.Congo") to support MONUC during the period encompassing the elections in the Democratic Republic of the Congo;

2. *Authorizes*, for a period ending four months after the date of the first round of the presidential and parliamentary elections, the deployment of Eufor R.D.Congo in the Democratic Republic of the Congo;

3. *Notes* that Eufor R.D.Congo will comprise advance elements concentrated in Kinshasa and other elements held outside the Democratic Republic of the Congo (an "over the horizon" force) with the appropriate capacity;

4. *Decides* that the authorization for the deployment mentioned in paragraph 2 above shall not exceed the term of MONUC's mandate and will be subject, beyond 30 September 2006, to the extension of MONUC's mandate;

5. *Requests* the Secretary-General to inform the Security Council of the decision to be taken by the Congolese authorities on the definitive timetable for the holding of the elections;

6. *Stresses* that Eufor R.D.Congo is authorized immediately to take all appropriate steps, including the deployment of advance elements in the Democratic Republic of the Congo, in order to prepare its full operational capability;

7. *Invites* the European Union to take all appropriate steps with a view to the well-coordinated disengagement of its force following the completion of its mandate;

8. *Decides* that Eufor R.D.Congo is authorized to take all necessary measures, within its means and capabilities, to carry out the following tasks, in

accordance with the agreement to be reached between the European Union and the United Nations:

(a) to support MONUC to stabilize a situation, in case MONUC faces serious difficulties in fulfilling its mandate within its existing capabilities,

(b) to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of the Government of the Democratic Republic of the Congo,

(c) to contribute to airport protection in Kinshasa,

(d) to ensure the security and freedom of movement of the personnel as well as the protection of the installations of Eufor R.D.Congo,

(e) to execute operations of limited character in order to extract individuals in danger,

9. *Notes* that decisions to engage Eufor R.D.Congo on the tasks mentioned in paragraph 8 above will be taken by the European Union upon a request by the Secretary-General, or in emergency cases, in close consultation with MONUC, to fulfil tasks mentioned in subparagraphs 8 (b), (c), (d) and (e);

10. *Decides* that the measures imposed by paragraph 20 of resolution 1493 (2003) and paragraph 1 of resolution 1596 (2005) shall not apply to supplies of arms and related material as well as technical training and assistance intended solely for the support of or the use by Eufor R.D.Congo;

11. *Requests* the European Union and the Secretary-General to ensure a close cooperation during the preparation of the establishment of Eufor R.D.Congo and for the duration of its mandate, and until its full disengagement;

12. *Urges* the Government of the Democratic Republic of the Congo and the European Union to conclude a status-of-forces agreement before the deployment of advance elements of Eufor R.D.Congo as referred to in paragraph 6 above, and decides that, until such an agreement is concluded, the terms of the status-of-forces agreement for MONUC dated 4 May 2000 shall apply mutatis mutandis between the European Union and the Government of the Democratic Republic of the Congo in respect of Eufor R.D.Congo, including possible third-country contributors;

13. *Requests* all Member States, in particular those in the vicinity of the Democratic Republic of the Congo, to provide all necessary support to facilitate the swift deployment of Eufor R.D.Congo, and in particular to ensure the free, unhindered and expeditious movement to the Democratic Republic of the Congo of its personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for its exclusive and official use;

14. *Authorizes* MONUC, within the limit of its capacities, to provide all necessary logistical support to Eufor R.D.Congo, on a cost reimbursement basis;

15. *Requests* the European Union to report regularly to the Government of the Democratic Republic of the Congo and to the Security Council on the implementation of Eufor R.D.Congo's mandate;

16. *Calls upon* all Congolese parties to demonstrate their full commitment to a democratic process by ensuring that the upcoming presidential and legislative elections are free, fair, peaceful and transparent;

17. *Calls also upon* the Government of the Democratic Republic of the Congo to do its utmost to ensure that the presidential and parliamentary elections are held in accordance with the timetable of the Independent Electoral Commission;

18. *Decides* to remain actively seized of the matter.